

06-2529ghmTuftINJ2.wpd

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT ALEXANDER TUFT,

Plaintiff,

v.

BRENDA CHANEY, ET AL.,

Defendants.

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CIVIL ACTION NO. H-06-2529

ORDER

Plaintiff Robert Alexander Tuft, a state inmate proceeding *pro se*, filed a motion asking the Court to reconsider its denial of a preliminary injunction in this civil rights case (Docket Entry No. 15), and a second motion for a preliminary injunction (Docket Entry No. 14). In his unsuccessful first motion for injunctive relief, plaintiff complained that standing in line twice a day at the pill window for his hepatitis medication was causing excessive pain due to a leg injury. Plaintiff now complains that standing in line twice a day at the pill window for his hepatitis medication prevents him from using the law library, in violation of his right to access the courts. He asserts that this situation will continue until his hepatitis therapy is completed in November.

To obtain a preliminary injunction, a plaintiff must show (1) a substantial likelihood of success on the merits, (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury outweighs any damage that the injunction might cause the defendant, and (4) that the injunction will not disserve the public

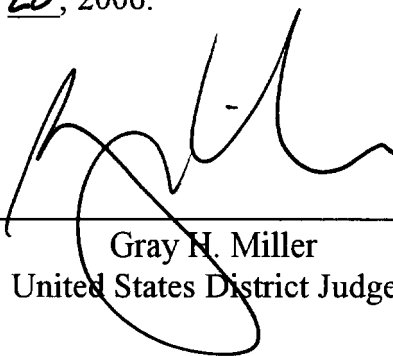
interest. A preliminary injunction is an extraordinary remedy and should be granted only if the plaintiff has clearly carried the burden of persuasion on all four requirements. *Planned Parenthood of Houston and Southeast Tex. v. Sanchez*, 403 F.3d 324, 329 (5th Cir. 2005).

Plaintiff shows neither a substantial likelihood of success on the merits of his claim nor a substantial threat that he will suffer irreparable injury if an injunction is not granted. He further fails to show that he has pursued his access-to-courts claim through the prison grievance system prior to requesting injunctive relief through the courts.

Accordingly, plaintiff's motions (Docket Entries No. 14, 15) are **DENIED**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on September 28, 2006.



Gray H. Miller
United States District Judge